THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14740 OF 2005

ORDER:

The petitioners claim to be children of Singara Charyulu and Ramakantha Charyulu, who were priests/Archakas of Sri Chennakesavaswamivari Temple in Macherla. They allege that Singara Charyulu and Ramakantha Charyulu were allotted land admeasuring Acs.10.74 cents in survey No.314/A of Macherla by the temple authorities for cultivation. They obtained pattadar pass books and title deeds. After death of their predecessors, the names of the petitioners were mutated and they were in possession of the land. They further allege that the respondents orally informed them about the change of classification in the revenue records from temple land to Government land for establishment of Autonagar in Macherla town. The respondents also made attempts to dispossess the petitioners, and therefore, assailing the said action, they filed the present writ petition. They seek a writ of Mandamus declaring the action of respondents in taking steps to dispossess the petitioners from the land in survey No.314/A of Macherla as illegal, arbitrary and violative of Articles 14, 19 and 21 of Constitution of India. The petitioners also seek further direction to the respondents not to dispossess the petitioners.

This writ petition was filed on 29.06.2005. The matter was listed for Admission before this Court on number of times. On 08.07.2005, this Court while adjourning the matter directed the parties to maintain *status quo* till 12.07.2005. The order was extended for a period of two weeks on 13.07.2005. On 20.07.2005, this Court passed the following order.

> It is submitted by the learned Government Pleader for the respondents that the petitioner who filed the material papers issued by the concerned MRO has not made party respondent. On the other hand, the MRO, Rentachintala Mandal, Guntur District, who is no way concerned with the material documents filed in the writ petition, in seeking relief against him. Therefore, I am not able to understand how the registry has numbered the writ petition without verifying the material papers filed by the petitioners, which were issued by the MRO Macherla, but the MRO Rentachintala is made party respondent in the writ petition.
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> It is further submitted by the learned Government Pleader on instructions that the land in question was allotted to Autonagar, on payment of market value of the land. Moreover, the petitioners are not in possession of the land in question, as the said land belongs to a temple and the land is inams land.
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> After hearing both sides, pending further proceedings in the writ petition, I deem it appropriate not to continue the order dated 08.07.2005 passed by this Court in the main writ petition.
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> Accordingly, the order dated 08.07.2005, granting *status quo* is vacated.
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> Post the Writ Petition for admission after two weeks.

Meanwhile, the learned Government Pleader shall file counter within two weeks.

Thereafter, an application has been filed for amendment of the cause title for replacing the Mandal Revenue Officer, Rentachintala with Mandal Revenue Officer, Macherla. Having regard to the allegations made by the petitioners regarding lack of due process in the alleged attempts to dispossess, the learned Assistant Government Pleader for Revenue (General) was directed to file counter affidavit of the respondents. Accordingly, counter affidavit is filed denying the petition averments.

In the counter affidavit, it is stated that the subject land belonging to Sri Chennakesavaswamivari Temple was earmarked as Archaka share to maintain the temple. Initially, pattadar pass books and title deeds were issued to the petitioners based on revenue records, which were interpolated. However, subsequently, the Mandal Revenue Officer submitted a report to the Revenue Divisional Officer, Narasaraopet, vide letter Rc.No.69/05, DMRO, dated 18.05.2006. Necessary action is being initiated for cancellation of pattadar pass books and title deeds issued to the petitioners in 2004. The land has been identified for allotment to Autonagar in Macherla and necessary steps are being taken under the provisions of Land Acquisition Act, 1894. The compensation would be paid to the true owners as per the revenue records. The latest revenue records like Adangals show that the subject land is owned by Sri Chennakesavaswamivari Temple and that the petitioners are not in possession of the subject land, and therefore, they are not entitled for any compensation.

The counter affidavit was filed on 03.08.2006. Learned counsel for the petitioners wanted to file reply affidavit and therefore, the matter was adjourned to 10.08.2006. On that day and also subsequently on 14.08.2006, no reply affidavit is filed. Learned counsel for the petitioners placed reliance on stray Xerox copies of the Adangals/Pahanis showing the names of petitioners as enjoyers of the land in survey No.314/A. A perusal of the same would show that it is incomplete and it is not possible to come to definite conclusion as the year in relation to which Pahani/Adangal pertains is not even found. Secondly, the Xerox copies of Pages 1 to 3 of pattadar pass books issued to one Adigoppula Narasimha Charyulu, S/o Singara Charyulu – first petitioner herein; is also placed before this Court. This is dated 20.06.2004 in respect of land admeasuring Acs.1.62 in survey No.314/A. It is also of no use to the petitioners because this Court cannot come to a conclusion that all the petitioners are in possession of the land. A categorical averment is made in the counter affidavit of the respondents that the petitioners are not in possession and that steps are being taken to cancel the pattadar pass

books and title deeds. This has not been denied. In view of the unrebutted counter averments, this Court holds that the writ petition is filed on incorrect factual foundation and no relief can be granted to the petitioners. Further, as found by this Court in its order extracted hereinabove, the petitioners obtained *ex parte* interim orders by impleading Mandal Rvenue Officer, Rentachintala, who is no way concerned with the case. It only shows that they have not come to the Court with clean hands. On this ground also, no relief can be granted.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

01.09.2006
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